

UNITED STATES DISTRICT COURT  
SOUTHER DISTRICT OF TEXAS

HOUSTON DIVISION

United States Courts  
Southern District of Texas  
FILED

OCT 05 2021

Nathan Ochener, Clerk of Court

JOHNATHAN HUNT

v.

DIRECTOR OF PAROLE, ET AL

CASE NO. 4:21-CV-2746

MOTION FOR \*EMERGENCY\* PRELIMINARY  
INUNCTION AND TEMPORARY RESTRAINING ORDER

NOW COMES APPLICANT JOHNATHAN HUNT PLAINTIFF IN A 1983 CIVIL RIGHTS VIOLATION ACTION FILED IN THIS SOUTHERN DISTRICT COURT AND PETITION THIS COURT ISSUE IMMEDIATE EMERGENCY INUNCTION RELIEF AND TEMPORARY RESTRAINING ORDER.

THE NEXUS OF THIS REQUEST IS AN EMINENT DELIBERATE INFLECTION OF INSURY BY THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE. UPON PETITIONERS REFUSAL TO PARTICIPATE IN THE PROGRAM OF INTER-MEDIATE SANCTIONING FACILITY AND REFUSING PAROLE ALTOGETHER; MULTIPLE ACTORS WITHIN THIS SYSTEM BEGAN A COORDINATED EFFORT TO DEPRIVE THIS APPLICANT OF MULTIPLE RIGHTS

GUARANTEED BY THE UNITED STATES OF AMERICAN CONSTITUTION.

- 1) PETITIONER HAS BEEN DENIED RELEASE TO MANDATORY SUPERVISION THAT HAS BEEN EARNED AND PROTECTED SINCE 1989.
- 2) PETITIONER HAS HAD TIME CONFISCATED WITHOUT DUE PROCESS THAT HAS BEEN EARNED AND PROTECTED SINCE 1989.
- 3) PETITIONER HAS BEEN DEPRIVED OF APPROXIMATELY 200 HOURS OF LAW LIBRARY TIME GUARANTEED TO EVERY T.D.C. (AND JOE KEGAN I. S. F.) INMATE.
- 4) PETITIONER HAS BEEN DEPRIVED OF TRANSFER TO A PRISON FACILITY WITH A LAW LIBRARY.
- 5) PETITIONER HAS BEEN ILLEGALLY HOUSED WITH INSANE MEDICATED INDIVIDUALS AND FORCED TO ENDURE CONSTANT & IMMERSION IN THIS ENVIRONMENT OF PSYCHOSIS.

THESE ARE A FEW OF THE ABUSES PETITIONER HAS COLLECTED EVIDENCE AND CAN PROVE. THERE ARE MANY MORE SUBJECTIVE ASPECTS OF THIS SITUATION THAT ARE MORE COVERT AND MAY BE MORE DIFFICULT TO ADEQUATELY DESCRIBE. HOWEVER; ONE GLARING EXAMPLE OF WHAT IS TO TRANSPIRE IN 10 DAYS THIS COURT HAS THE JURISDICTION AND AUTHORITY TO ISSUE CORRECTIVE ACTION FOR IN THE FORM OF A TEMPORARY INJUNCTION.

BECAUSE THIS ACT IS IMMINENT AND CAN ONLY BE CORRECTED BY COURT DECREE THIS APPLICANT SEEKS EMERGENCY;

CONSIDERATION. BECAUSE THIS PERCEIVED HARM IS IRREPARABLE AND THERE IS NO REMEDY, SAVE; JUDICIAL INTERVENTION: EMERGENCY INJUNCTION IS AT THIS POINT THE ONLY CORRECTIVE RELIEF.

THERE IS A SUBSTANTIAL LIKELYHOOD ~~OF~~ OF SUCCESS ON THE MERITS OF THIS OVER-ALL ACTION BECAUSE:

- 1) RECORDS PROVE MOVANT HAS SERVED AN AMOUNT OF TIME TO EQUAL AT LEAST 31 YEARS ON A 25 YEAR SENTENCE.
- 2) PAROLE REVOCATION HEARING RECORDS FROM 7-20-2021 PROVE MOVANT REFUSED PAROLE, I.S.F., A MONITOR OR ANY ACTION OTHER THAN RETURN TO PRISON AND REVOCATION OF PAROLE FOR THE SOLE PURPOSE OF ENJOYING EARNED BENEFITS.
- 3) RECORDS WILL PROVE PAROLE OFFICER, HEARING OFFICER AND THE BOARD OF PARDONS AND PAROLES WERE AT ALL TIMES AWARE OF THE FACT THAT THEIR ACTIONS WERE DEPRIVING MOVANT OF HIS EARNED JUST DUE: PAROLE REVOCATION AND RELEASE TO MANDATORY SUPERVISION.
- 4) MULTIPLE GRIEVANCES AND REQUEST FORMS GATHERED OVER THESE MANY MONTHS WILL PROVE DENIAL OF ACCESS TO THE LAW LIBRARY, ACCESS TO COURTS, ACCESS TO RULES, INSTRUCTIONS AND DENIAL OF TRANSFER TO UNIT WITH A LAW LIBRARY EVEN IN THE FACE OF PROOF THAT MOVANT HAD 3 ACTIVE ACTIONS HE WAS ATTEMPTING TO MAINTAIN.

THERE IS A SUBSTANTIAL THREAT OF IRREPARABLE INJURY IF THE INJUNCTION IS NOT ISSUED AS HAS BEEN PROVEN BY THESE MONTHS OF ABUSE, DENIAL AND OPPRESSION. THE INJURIES ALREADY

SUSTAINED CAN ONLY BE COMPENSATED FOR AT THE CONCLUSION OF THIS PROCESS. ISSUANCE OF INJUNCTIVE ORDER WILL INDUCE THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE TO SIMPLY FOLLOW WHAT IS ALREADY DICTATED BY TEXAS LAW.

THE THREATENED INJURY TO THIS MOVANT OUTWEIGHS ANY DAMAGE THE INJUNCTION MIGHT CAUSE TO THE OPPOSING SIDE FOR THE OBVIOUS REASON THAT TEXAS LAW DICTATES CERTAIN ACTION UPON RELEASE FROM INCARCERATION.

THIS INTERMEDIATE SANCTIONING FACILITY IS: A PRISON UNIT! ALTHOUGH IT IS RUN AS A MENTAL INSTITUTION WITH INMATES CLASSIFIED AS CLIENTS OF A PROGRAM. IT IS MANNED AND OPERATED BY TEXAS PRISON GUARDS AND EACH INDIVIDUAL HERE POSSESSES A TEXAS DEPARTMENT OF CRIMINAL JUSTICE IDENTIFICATION CARD WITH A CORRESPONDING NUMBER IDENTIFYING EACH INMATE AS T.D.C.S. PROPERTY. WE ARE SUBJECTED TO T.D.C.S. RULES AND PUNITIVE SANCTIONS FOR VIOLATIONS OF SAID RULES.

THE ONLY POSSIBLE SAVING GRACE THAT COULD POSSIBLY EXCUSE THE SYSTEMIC DEPRIVATIONS OF CIVIL LIBERTIES WHILE AT THIS FACILITY IS THE FACT THAT EACH INMATE HERE MUST SIGN A CONTRACT WITH PAROLE AGREEING TO BE HERE; A CONTRACT THIS APPLICANT NOT ONLY REFUSED TO SIGN BUT ACTIVELY SOUGHT PAROLE REVOCATION INCLUDING A PAROLE REVOCATION HEARING ON 7-20-2021. THE 60 DAY PERIOD FOR APPEAL WAS COMPLETE ON 9-20-2021 AND THE BOARD HAS NOT DEEMED PRUDENT TO REVOKE PAROLE AND THAT MEANS CONTINUED VIO.

[7. Ed. 1117, 67 L. Ed. 658, 43 S. Ct. 553, 262 U.S. 553]

LATION OF MY CONSTITUTIONAL RIGHT TO RELEASE TO MANDATORY SUPERVISION.  
 ISSUANCE OF INJUNCTIVE RELIEF WILL NOT DISSEVE THE PUBLIC INTEREST.  
 THE POLICY OR CUSTOM OF SERVING AN INMATE TO I.S.F. UNTIL DISCHARGE FROM SENTENCE IS A DELIBERATE INFILCTION OF INJURY IN THAT: ALL RIGHTS AND PRIVILEGES AFFORDED AN INCARCERATED INMATE ARE SYSTEMICALLY ABROGATED. THERE WAS AN UNCONDITIONAL IRRELOCABLE GUARANTEE OF MANDATORY SUPERVISION RELEASE FROM INCARCERATION ISSUED IN 1989 AND HOWARD HAS AND WILL ENJOY TER SIGNIFICANT RESISTANCE TO A RECOVERY OF JUDGEMENT. NO HARM TO THE DEFENDANTS WILL RESULT FROM THE INJUNCTION, IF ISSUED; PENDING TRIAL ON THE MERITS. IRREPARABLE HARM AND NO OTHER CORRECTIVE RELIEF FAVORS ACTION BY THIS COURT.  
 IMPLICIT IN THE DISTRICT COURT DISCRETION UNDER RULE 65(a) IS THE POWER TO ENTER CONDITIONAL PRELIMINARY RELIEF SECURING THE PARTIES RIGHTS UNTIL TRIAL SO REQUIRES. IT IS THE DUTY OF A COURT OF EQUITY, GRANTING INJUNCTIVE RELIEF, TO DO SO, UNDER CONDITIONS THAT WILL PROTECT ALL.  
 A PRELIMINARY INJUNCTION MUST BE THE PRODUCT OF REASONED APPLICATION OF THE FOUR FACTORS RECORDED: ① SUCCESS ON MERITS ② IRREPARABLE INJURY ③ INJURY TO HOWARD OUTWEIGHS DAMAGE TO OPPOSITION, AND ④ NO PUBLIC DISSEVICE. ONE DOES NOT HAVE TO AWAIT THE COMPLETION OF THE REPARATED INJURY TO OBTAIN PRELIMINARY RELIEF. [PENNSYLVANIA V. WEST VIRGINIA 262 U.S. 553, 43 S. Ct. 553, 67 L. Ed. 658, 1117]

THIS MOVANT REQUESTS THIS COURT ISSUE IMMEDIATE EMERGENCY INJUNCTIVE RELIEF BY THE DATE OF OCTOBER 6<sup>TH</sup>, 2021 IN THE FORM OF:

- 1) ORDER THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE ISSUE CHECK IN THE AMOUNT OF \$100.00 AS PRESCRIBED BY TEXAS LAW TO THIS MOVANT UPON RELEASE ON THE DATE OF OCTOBER 10<sup>TH</sup>, 2021.
- 2) ORDER IMMEDIATE REVOCATION OF PAROLE OF THIS MOVANT.
- 3) ORDER IMMEDIATE TRANSFER OF MOVANT TO ANY T.D.C.S. UNIT
- 4) ISSUE ORDER FOR IMMEDIATE INSTALLATION OF A FULL LAW LIBRARY ON THIS UNIT

THIS MOVANT PRAYS THIS COURT GRANT REQUEST FOR INJUNCTIVE RELIEF BY THE OCTOBER 6<sup>TH</sup> 2021 ASKED FOR DATE IN THE NAME OF EQUITY.



9-28-2021

9-18-2021

## Affidavit

I attest and I swear that my name is JOHN-ATHAN WAYNE HUNT # 560374 and I am writing this affidavit in support of sought injunctive relief and all herein is true and correct to the best of my knowledge.

I was sent to this Kegan I.S.F. on 6-7-2021. Upon my arrival I was instructed to participate in a prescribed program and then remain at this unit until discharge date of October 10, 2021.

I refused to participate in program and demanded revocation of parole and return to prison. The reasoning behind my decision is because I have served enough Flat Time, Good Time and Work Time credits to be immediately released to Mandatory Supervision. As of September 2020 I had approximately 150% of credits on my given sentence.

I was sentenced under 70<sup>th</sup> Legislature Law that dictates immediate release once served Flat Time and Earned Good Time and Work Time equal 100% of my given sentence.

Upon my arrival at this unit I had a 2254 Habeas Corpus action pending in Houston. I had an appeal pending in New Orleans and I have a 1983 pending in Tyler. Each action was active when I got here

and it was proven by The Process T.D.C., I uses to validate Legal Actions.

I put in requests for the Law library the third day on this unit. After about 10 Days I finally was informed I would never get to a law library because there is not a Law Library on this unit. I put in requests for Procedural Rules of the courts and was told I could not ever get a book of court Rules. I was told I would have to specify which rule I wanted. After playing that back and forth guessing game and being denied for various reasons I asked for this:

Fed Rules App. P 39-41 and 5<sup>th</sup> Circuit Rules 35, 39 and 41 I also asked for the Internal Operating Procedures following F.R.A.P. 40 and 5<sup>th</sup> Cir. R. 35 for Legal Standards, Sanctions and discussion of when rehearing may be appropriate.

That was met with a denial of any rules or I.O.P. or anything and the reason I was refused the information is I can only ask for 3 items.

Since that denial there has not even been an attempt to answer any more of my requests for rules cases or legal information.

I filed an Access to Court Transfer Request as instructed. It was first proven that I had the cases pending then the transfer was denied saying I was court ordered to be here with no law library

access.

I filed an appeal to the parole relocation hearing requesting revocation and relocation to any prison unit and have not gotten a response from Austin. I have finally received a time sheet and on that time sheet it proves this:

- 1) My Work Time has been taken
- 2) My Good Time has been altered
- 3) I have 31 years credit on the 25 year sentence.

I asked about my \$100.00 gate money since I have been kept in prison (on parole) until the discharge date of 10-10-2021 and was given this answer:

Because you were not revoked and sent to prison you will not get any gate money.

I have exhausted every remedy at my disposal before seeking injunctive relief and now I am afraid the Books will be closed and records sealed upon my release on October 10, 2021.

All I have written I write under penalty of perjury and is true and correct.

Shrathoff

9-18-2021

HAW HUNT #560074  
TOP STREET KEGANS I.S.E  
ON TX. 77002



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Southern District of Texas  
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Nathan Ochsmar, Clerk of Court

UNITED STATES DISTRICT COURT: CLERK  
POST OFFICE BOX 61010  
HOUSTON TEXAS 77208